

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6991

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

GARRICK L. WILSON,

Defendant - Appellant.

Appeal from the United States District Court for the District of
South Carolina, at Florence. Terry L. Wooten, District Judge.
(CR-02-146)

Submitted: March 4, 2005

Decided: April 7, 2005

Before LUTTIG, MICHAEL, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Garrick L. Wilson, Appellant Pro Se. Alfred William Walker Bethea,
Jr., Assistant United States Attorney, Florence, South Carolina,
for Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Garrick L. Wilson seeks to appeal the district court's order denying his motion for reduction of sentence under 18 U.S.C. § 3582 (2000). In criminal cases, the defendant must file his notice of appeal within ten days of the entry of judgment. Fed. R. App. P. 4(b)(1)(A); see United States v. Alvarez, 210 F.3d 309, 310 (4th Cir. 2000) (holding that § 3582 proceeding is criminal in nature and ten-day appeal period applies). With or without a motion, the district court may grant an extension of time to file of up to thirty days upon a showing of excusable neglect or good cause. Fed. R. App. P. 4(b)(4); United States v. Reyes, 759 F.2d 351, 353 (4th Cir. 1985). We previously remanded this appeal to the district court to determine whether Wilson could demonstrate excusable neglect or good cause to excuse his untimely notice of appeal. After giving Wilson an opportunity to provide information supporting a finding of good cause or excusable neglect, to which Wilson did not respond, the district court denied an extension of the time to file a notice of appeal.

The district court entered its order denying the motion for reduction of sentence on April 15, 2004; the notice of appeal was filed on May 25, 2004. Because Wilson failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. We also deny Wilson's motion for a certificate of appealability. We dispense with oral argument

because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED